

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

1-14-08 1162
ORCHID ISLAND TRS, LLC (formerly
known as Opteum Financial Services, LLC)
and BIMINI CAPITAL MANAGEMENT,
INC. (formerly known as Opteum, Inc.)

Civil Action No. 07-CIV-9550-LLS

Plaintiffs,

v.

INDYMAC BANCORP, INC., and
INDYMAC BANK, F.S.B.,

Defendants.

MOTION ON CONSENT TO ADMIT
COUNSEL PRO HAC VICE

638147 #25 Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the
Southern and Eastern Districts of New York, and with the consent of all parties, I, Michael E.
Johnson, a member in good standing of the bar of this Court, hereby move for an Order allowing
the admission *pro hac vice* of

Erin L. Connolly
Alston & Bird LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Phone: (404) 881-7393
Fax: (404) 253-8555

U.S. DISTRICT COURT
2008 JAN 14 PM 2:06
S.D. OF N.Y.
FILED 2008 JAN 14 PM 2:06
U.S. DISTRICT COURT
S.D. OF N.Y.

Erin L. Connolly is a member in good standing of the Bar of the State of Georgia.

There are no pending disciplinary proceedings against Erin L. Connolly in any state or federal court.

Submitted this 14th day of January 2008.

By: Michael E. Johnson
Michael E. Johnson (MJ 0299)

ALSTON & BIRD LLP
90 Park Avenue
New York, New York 10016
Phone: (212) 210-9400
Fax: (212) 922-3884

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORCHID ISLAND TRS, LLC (formerly known as Opteum Financial Services, LLC) and BIMINI CAPITAL MANAGEMENT, INC. (formerly known as Opteum, Inc.)

Plaintiffs,

V.

INDYMAC BANCORP, INC., and
INDYMAC BANK, F.S.B.,

Defendants.

Civil Action No. 07-CIV-9550-LLS

AFFIDAVIT OF MICHAEL E. JOHNSON
IN SUPPORT OF MOTION TO ADMIT
COUNSEL PRO HAC VICE

STATE OF NEW YORK)) ss:
COUNTY OF *New York*)

MICHAEL E. JOHNSON, being duly sworn, hereby deposes and says as follows:

1. I am a member of the bar of this Court and of the firm of Alston & Bird LLP, which represents Defendants in this matter. I am familiar with the proceedings in this matter and make this Affidavit based on my personal knowledge of the facts as set forth herein and in support of Defendant's motion to admit Erin L. Connolly as counsel *pro hac vice* to represent Defendants in this matter.

2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in the State of New York in April 2005. I am also admitted to and am in good standing with the bar of the United States District Court for the Southern District of New York.

3. I have been a colleague of Ms. Connolly for several years. I know that she observes the highest standards of professionalism and of ethical conduct, is a skilled attorney experienced in federal practice, and is familiar with the Federal Rules of Civil Procedure.

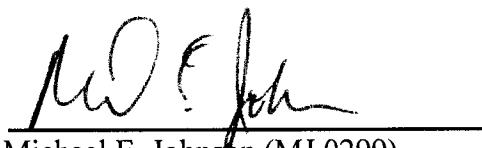
4. I have conferred with opposing counsel who represented to me that he consents to the relief requested by this motion.

5. Annexed hereto is the Affidavit of Erin L. Connolly, to which are annexed as exhibits certificates of good standing issued within the past 30 days by each state in which she is admitted to the bar.

6. I hereby respectfully submit a proposed order granting the admission of Erin L. Connolly, *pro hac vice*, enclosed herewith.

WHEREFORE, it is respectfully requested that the motion to admit Erin L. Connolly, *pro hac vice*, to represent Defendants in the above captioned matter, be granted.

Dated: January 14, 2008
New York, New York

By: 
Michael E. Johnson (MJ 0299)

ALSTON & BIRD LLP
90 Park Avenue
New York, New York 10016
Phone: (212) 210-9400
Fax: (212) 922-3884

Sworn to before me this
14th day of January, 2008

Kim Fitzgerald
Notary Public

My Commission expires: 8/9/09

KIM FITZGERALD
Notary Public, State of New York
No. 01FL609313
Qualified in Kings County
Certificate Filed in New York County
Commission Expires August 9, 2009

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORCHID ISLAND TRS, LLC (formerly
known as Opteum Financial Services, LLC)
And BIMINI CAPITAL MANAGEMENT,
INC. (formerly known as Opteum, Inc.)

Civil Action No. 07-CIV-9550

Plaintiffs,

v.

INDYMAC BANCORP, INC., and
INDYMAC BANK, F.S.B.,

Defendants.

AFFIDAVIT OF ERIN L. CONNOLLY IN
SUPPORT OF MOTION TO ADMIT
COUNSEL PRO HAC VICE

STATE OF GEORGIA)
) ss:
COUNTY OF FULTON)

ERIN L. CONNOLLY, being duly sworn, hereby deposes and says as follows:

1. I am an associate with the law firm of Alston & Bird LLP.

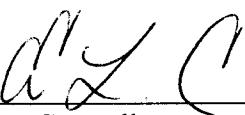
2. I submit this Affidavit in support of Defendants' Motion for Admission to
Practice *pro hac vice* in the above captioned matter.

3. As shown in the Certificates of Good Standing annexed hereto, I am a member in
good standing of the Bar of the State of Georgia and the United States District Court for the
Northern District of Georgia.

3. There are no pending disciplinary proceedings against me in any state or federal
court, and I have never been the subject of any disciplinary proceeding.

4. I have read and am familiar with (a) the provisions of the Judicial code (Title 28, U.S.C. which pertain to the jurisdiction of, and practice in, the United States District Court; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the United States District Court for the Southern District of New York; and (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York, and will faithfully adhere thereto.

Dated: January 11, 2008
Atlanta, Georgia

By: 
Erin L. Connolly
Georgia Bar No. 182278

ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Phone: (404) 881-7393
Fax: (404) 253-8555

Sworn to before me this
11th day of January, 2008

Brenda Rosser
Notary Public

My Commission expires: August 31, 2010



EXHIBIT A



LEAH WARD SEARS, CHIEF JUSTICE
CAROL W. HUNSTEIN, PRESIDING JUSTICE
ROBERT BENHAM
GEORGE H. CARLEY
HUGH P. THOMPSON
P. HARRIS HINES
HAROLD D. MELTON
JUSTICES

Supreme Court
State of Georgia
STATE JUDICIAL BUILDING
Atlanta 30334

THERESA S. BARNES, CLERK
JEAN RUSKELL, REPORTER

January 11, 2008

I hereby certify that Erin Lynn Connolly, Esq., was admitted on the 29th day of April, 2002, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date she has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court hereto
affixed the day and year first above written.

A handwritten signature in black ink, appearing to read "Theresa S. Barnes".
Clerk, Supreme Court of Georgia



CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA }
NORTHERN DISTRICT OF GEORGIA } ss.
}

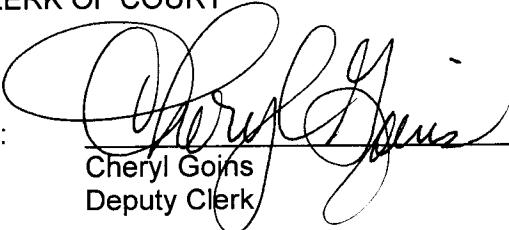
I, James N. Hatten, Clerk of the United States District Court for the Northern District of Georgia,

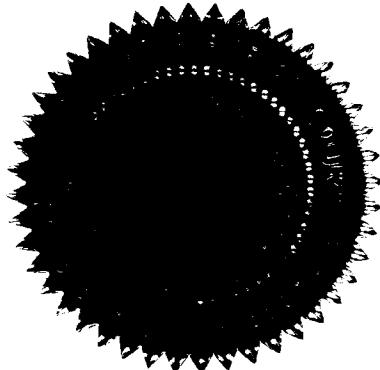
DO HEREBY CERTIFY that **Erin L. Connolly, State Bar No. 182278**, was duly admitted to practice in said Court on December 17, 2001, and is in good standing as a member of the bar of said Court.

Dated at Atlanta, Georgia, this 11th day of January, 2008.

JAMES N. HATTEN
CLERK OF COURT

By:


Cheryl Goins
Deputy Clerk



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORCHID ISLAND TRS, LLC (formerly known as Opteum Financial Services, LLC) And BIMINI CAPITAL MANAGEMENT, INC. (formerly known as Opteum, Inc.)

Civil Action No. 07-CIV-9550

Plaintiffs,

v.

INDYMAC BANCORP, INC., and
INDYMAC BANK, F.S.B.,

Defendants.

**ORDER FOR ADMISSION
PRO HAC VICE ON WRITTEN MOTION**

Upon the motion of Michael E. Johnson, attorney for Defendants IndyMac Bancorp, Inc. and Indymac Bank, FSB, and said sponsor of attorney's Affidavit in support

IT IS HEREBY ORDERED that

Erin L. Connolly
Alston & Bird LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Phone: (404) 881-7393
Fax: (404) 253-8555

is admitted to practice *pro hac vice* as counsel for the Defendants IndyMac Bancorp, Inc. and Indymac Bank, FSB in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourt.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: New York, New York
January ____, 2008

United States District/Magistrate Judge

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
ORCHID ISLAND TRS, LLC (formerly known as Opteum Financial Services, LLC) and BIMINI CAPITAL MANAGEMENT INC. (formerly known as Opteum, Inc.)	<u>07cv9550</u>
Plaintiffs, v. INDYMAC BANCORP, INC., and INDYMAC BANK, F.S.B.	<u>Affidavit of Service</u>
Defendants.	

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

Kim Fitzgerald, being duly sworn, deposes and says: that I am employed in the office of Alston & Bird LLP attorneys for Defendants herein and that on January 14, 2008, I served a true copy of the Motion on Consent to Admit Counsel Pro Hac Vice by regular mail in a sealed envelope, with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York, addressed to:

Robert Novack
Edwards Angell Palmer & Dodge, LLP (NYC)
750 Lexington Avenue
New York, NY 10022

Kenneth Cesta
Edwards, Angell, Palmer & Dodge, L.L.P.
One Giralta Farms
Madison, NJ 07940

Kim Fitzgerald
Kim Fitzgerald

Sworn to before me this
14th day of January, 2008

Jeannine Grudzien
Notary Public

JEANNINE GRUDZIEN
Notary Public, State of New York
No. 01GR6178677
Qualified in New York County //
Commission Expires December 10, 2011